

FILED

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CLERK OF COURT  
CRIMINAL DIVISION  
ALLEGHENY COUNTY, PA

ORIGINAL  
Criminal Division  
Dept. of Court Records  
Allegheny County, PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA

CRIMINAL DIVISION

v.

CC 201202821

MATTHEW EBO,

Defendant.

**POST-SENTENCE MOTION**

AND NOW COMES the Defendant, Matthew Ebo, by his attorneys from the Law Office of the Public Defender, Allegheny County, Victoria H. Vidt, Assistant Public Defender and Appellate Counsel, and respectfully submits this Post-Sentence Motion, whereof the following is a statement:

1. On March 28, 2012, Mr. Ebo was charged by criminal information at CC 201202821 with one count of Criminal Homicide (18 Pa.C.S. § 2501(a)) and various other crimes.

2. On April 23, 2012, Randall H. McKinney, Esquire, entered his appearance on behalf of Mr. Ebo.
3. Mr. Ebo proceeded to a jury trial before this Honorable Court and he was found guilty of first degree murder on September 4, 2012.
4. On November 28, 2012, Mr. Ebo was sentenced to life imprisonment.
5. On November 30, 2012, Attorney McKinney filed a Motion to Withdraw as Counsel.
6. The Office of the Public Defender was appointed to represent Mr. Ebo on December 12, 2012.
7. On December 19, 2012, prior appellate Counsel requested permission to file a Post-Sentence Motion *Nunc Pro Tunc* and requested leave to supplement the Post-Sentence Motion once she received the transcripts.
8. On December 21, 2012, this Honorable Court granted the Motion and directed Mr. Ebo to file any amendments or supplements to the Post-Sentence Motion within twenty-one days of receipt of the transcripts.
9. Counsel received the final transcript on April 12, 2013.
10. A timely Supplemental Post-Sentence Motion was filed on April 19, 2013.
11. The Post-Sentence Motion was denied by operation of law on July 9, 2013.
12. A timely Notice of Appeal was filed on July 25, 2013.

13. A timely Statement of Errors was filed by previous appellate counsel on August 20, 2013.
14. This Court issued an Opinion pursuant to Pa.R.A.P. 1925 on June 25, 2014.
15. A Brief for Appellant was filed on Mr. Ebo's behalf on December 11, 2014.
16. A Brief for Appellee was filed by the Commonwealth on January 22, 2015.
17. Prior to argument being heard on the brief, counsel filed an Application for Remand on August 5, 2015. The application was filed based upon a claim of after-discovered evidence.
18. The Superior Court granted the motion for remand on August 13, 2015, and ordered this Court to conduct a hearing on the motion. The Court also relinquished jurisdiction over the appeal.
19. On September 2, 2015, undersigned counsel entered her appearance in this matter for Mr. Ebo.
20. On October 29, 2015, this Court conducted the evidentiary hearing in Mr. Ebo's case. Co-defendant Thaddeus Crumbly also participated through his appellate counsel.
21. On December 22, 2015, this Court denied the motion for a new trial.
22. A timely Notice of Appeal was filed on January 13, 2016.

23. On June 21, 2017, the Superior Court, at docket no. 92 WDA 2016, affirmed Mr. Ebo's convictions, but vacated his judgment of sentence and remanded for re-sentencing because certain provisions for mandatory sentences that had been used in this case had been deemed unconstitutional.
24. A resentencing hearing was conducted on February 28, 2018, at which time Mr. Ebo received the same sentence as imposed at the first sentencing.
25. This timely Post-Sentence motion now follows. Mr. Ebo asserts the following:

The court abused its discretion in imposing a manifestly excessive sentence which did not comport with the dictates of the sentencing code, 42 Pa.C.S. §§ 9721 (Sentencing Generally) and 9781 (Appellate review of sentence). More specifically, the sentence imposed is erroneous because:

(1) The sentence imposed at counts 1, 3, 4, 5, 6, and 7 is the maximum permissible under the law, sentences running consecutively, for a total of life without parole plus 46 to 92 years of imprisonment.

(2) The sentencing court imposed a sentence that is manifestly unreasonable.

(3) The sentencing court failed to consider, as it must, the nature and

circumstances of the offense as it relates to the impact on the life of not only the victim but also the community at large; the history and characteristics of the defendant, including his rehabilitative needs; and whether the confinement imposed is consistent with the protection of the public, in violation of 42 Pa.C.S. § 9781.

(4) The sentencing court focused solely upon the seriousness of the offense to the exclusion of all else.

(5) The court improperly focused upon retribution, and had no information or knowledge of what Mr. Ebo had done to rehabilitate himself during the time he has been incarcerated.

Respectfully submitted,



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VICTORIA H. VIDT  
Assistant Public Defender  
Appellate Counsel  
PA I.D. # 67385

ATTORNEY FOR THE DEFENDANT

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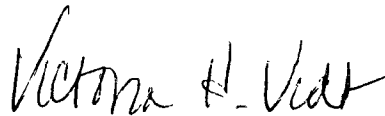
**PROOF OF SERVICE**

I, Victoria H. Vidt, Assistant Public Defender and Appellate Counsel, hereby certify that on this 6th day of March, 2018, the within Post-Sentence Motion was served on the following persons by hand delivery, eFile, or personal service, which satisfies the requirements of Pa.R.A.P. 121:

The Honorable Beth A. Lazzara  
510 Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

Michael W. Streily, Esquire  
District Attorney's Office  
301 Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

Thomas McCaffrey  
Criminal Court Administrator  
535 Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219



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VICTORIA H. VIDT  
Appellate Counsel  
PA I.D. # 67385

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Victoria H. Vidt

Signature: Victoria H. Vidt

Attorney I.D: #67385

CC No.: 2012-02821

Client Name: Matthew Ebo